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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,374	08/15/2003	Eric Hudak	550270-00003	2568

26711 7590 07/30/2004

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EXAMINER

CORRIGAN, JAIME W

ART UNIT	PAPER NUMBER
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3748

DATE MAILED: 07/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/642,374

Applicant(s)

HUDAK, ERIC

Examiner

Jaime W Corrigan

Art Unit

3748

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 15 August 2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Aizawa et al. (PN 5,975,042).

Regarding claim 1 Aizawa discloses a crankcase (See Figure 1 (1)) having walls which define an interior volume for containing oil; a cylinder head (See Figure 1 (3)) having; a proximal end fastened to the crankcase, the cylinder head extending laterally outward from the crankcase and terminating at a distal end; a rocker arm cover (See Figure 1 (4)), fastened to the distal end of the cylinder head, the rocker arm cover defining a cavity therein which forms a valve box; a drainback passage (See Figure 1 (52)) interconnecting the interior volume of the crankcase and the valve box to enable the flow of fluid from the valve box to the interior volume of the crankcase; and a check valve (See Figure 1 (43)), disposed within the drainback passage, for allowing the flow of fluid from the valve box to the interior volume of the crankcase and preventing the flow of fluid from the interior volume of the crankcase to the valve box.

Art Unit: 3748

Regarding claim 2 Aizawa discloses the check valve comprises a reed valve (See Figure 1 (43)).

Regarding claim 3 Aizawa discloses the check valve comprises a check disk (See Figure 1 (43)).

Regarding claim 4 Aizawa discloses the check valve comprises a ball valve (See Figure 1 (43)).

Regarding claim 5 Aizawa discloses the drainback passage (See Figure 1 (52)) is formed as an integral part of the cylinder head (See Figure 1 (3)) and the crankcase (See Figure 1 (1)).

Regarding claim 6 Aizawa discloses the cylinder head has a bore (See Figure 1 (52)) formed therethrough extending from the distal end to the proximal end of the cylinder head; the crankcase has a cylinder (See Figure 1 (12)) formed in one of the walls, the cylinder having a cylinder wall, integrally formed in the wall of the crankcase, having an interior surface that communicates with the interior volume of the crankcase and an exterior surface that engages the proximal end of the cylinder head (See Figure 1 (3)); and the cylinder wall has a bore (See Figure 1 (42)) formed therethrough extending from the interior surface to the exterior surface, where it aligns with and

Art Unit: 3748

couples to the cylinder head bore; wherein the first bore (See Figure 1 (52)) and the second bore (See Figure 1 (42)) together define the drainback passage.

Regarding claim 7 Aizawa discloses a head gasket (See Figure 1 (44)) disposed between the crankcase (See Figure 1 (1)) and the cylinder head (See Figure 1 (3)), the head gasket having an aperture that is aligned with the first (See Figure 1 (52)) and second (See Figure 1 (42)) bores to allow the flow of fluid therethrough.

Regarding claim 8 Aizawa discloses the bore (See Figure 1 (52)) in the cylinder wall is enlarged at one end to form a cavity in the exterior surface of the cylinder wall; and a check ball (See Figure 1 (43)) is disposed within the cavity; wherein the check ball (See Figure 1 (43)) seats against the bore at the proximal end of the cylinder head (See Figure 1 (3)) to prevent the flow of fluid from the interior volume of the crankcase to the valve box (See Figure 1 (4)) when there is high pressure present within the crankcase or when the engine is operated at an elevated angle; and the cavity and the check ball together define the check valve.

Regarding claim 9 Aizawa discloses the check ball is formed of a fluorocarbon material (See Figure 1 (43)).

Art Unit: 3748

### Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hoffman et al. (PN 6,345,613), Ihara et al. (PN 5,803,083), Ruehlow et al. (PN 6,412,478) disclose similar oil drainback systems.

Any inquiry concerning this communication from the examiner should be directed to Examiner Jaime Corrigan whose telephone number is (703) 308-2639. The examiner can normally be reached on Monday - Friday from 8:30 a.m. - 6:00 p.m. 2<sup>nd</sup> Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion, can be reached on (703) 308-2623. The fax number for this group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.

JC

Jaime Corrigan

*Jaime Corrigan*

Patent Examiner

July 26, 2004

Art Unit 3748

*Thomas Denion*  
THOMAS DENION  
SUPERVISORY PATENT EXAMINER  
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